



PLANNING COMMISSION AGENDA

Wednesday, April 26, 2006

6:30 p.m. Regular Meeting
Council Chambers, City Hall

200 East Santa Clara Street
San Jose, California

Bob Dhillon, Chair
Xavier Campos, Vice-Chair

Bob Levy **James Zito**
 Dang T. Pham
Christopher Platten **Vacant**

Joseph Horwedel, Acting Director
Planning, Building and Code Enforcement

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good evening, my name is **Bob Dhillon** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of ***Wednesday, April 26, 2006***. Please remember to turn off your cell phones and pagers. Parking ticket validation machines for the garage under City Hall are located at the rear of the Chambers.

If you want to address the Commission, **fill out a speaker card (located on the table by the door or at the technician's station), and give the completed card to the technician. Please include the agenda item number for reference.**

The procedure for this hearing is as follows:

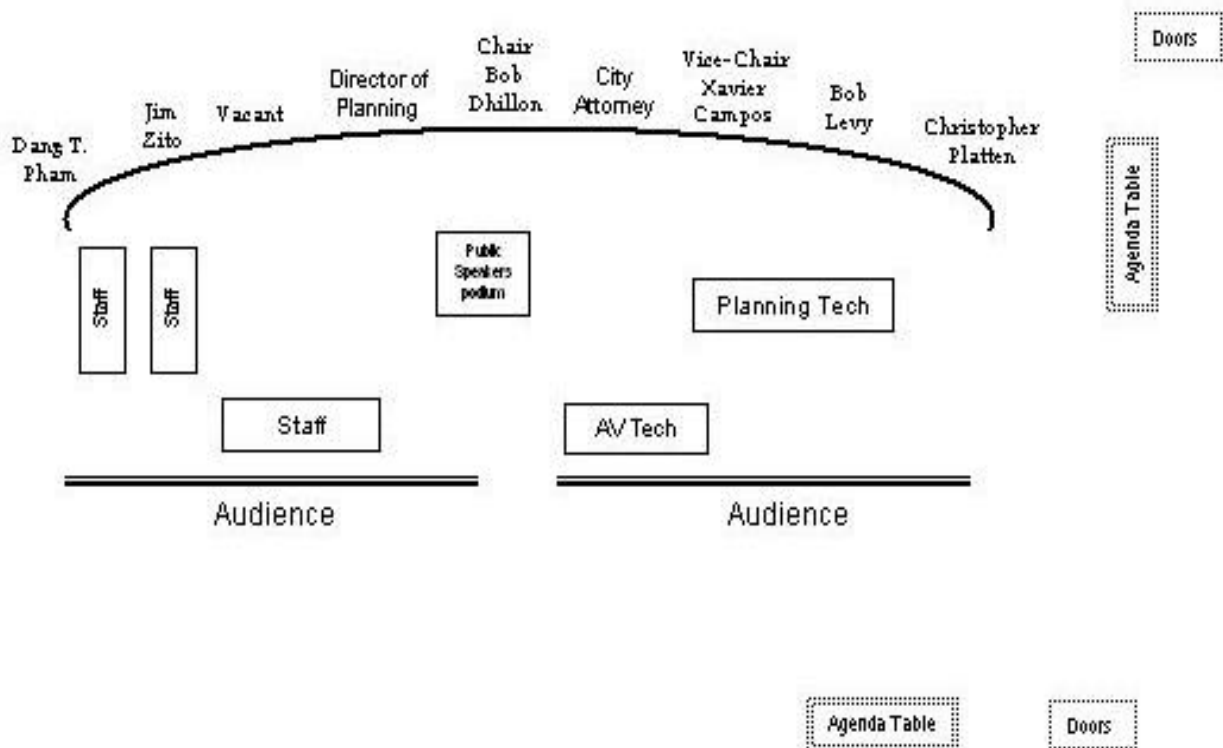
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Commission's action on rezoning, prezonings, General Plan Amendments and Code Amendments is advisory only to the City Council. The City Council will hold public hearings on these items. Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

Note: If you have any agenda questions, please contact Olga Guzman at olga.guzman@sanjoseca.gov

The Planning Commission is a seven member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San Jose Planning Commission generally meets every 2nd and 4th Wednesday at 6:30 p.m., unless otherwise noted. The remaining meeting schedule is attached to this agenda and the annual schedule is posted on the web at <http://www.sanjoseca.gov/planning/hearings/index.htm> Staff reports, etc. are also available on-line. If you have any questions, please direct them to the Planning staff at (408) 535-7800. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

AGENDA
ORDER OF BUSINESS

1. ROLL CALL

2. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time.

- a. [CP06-003](#). Conditional Use Permit to allow a drinking and entertainment establishment with late night use until 2:00 a.m. including an outdoor patio at an existing building on a 0.10 gross acre site in the DC Downtown Primary Commercial Zoning District, located on the west side of South 1st Street, approximately 280 feet southerly of E. San Carlos Street (349 South 1st Street) (Salata James A / Mark & Marylou Cardosa, Owners; Mr Rod Schisler, Developer). Council District 3. SNI: None. CEQA: Exempt.

DEFER TO 5-3-06

- b. [PDC05-035](#). The project being considered is located on the east side of San Felipe Road, approximately 700 feet northerly of Silver Creek Road (Pan Clair General Partnership, Owner; Dal Properties LLC, Developer). Council District 8. SNI: None. Deferred from 3-8-06, 3-22-06 and 4-12-06.

1. Protest of the Mitigated Negative Declaration.

DROP

2. PLANNED DEVELOPMENT REZONING from A-Agriculture Zoning District to A(PD) Planned Development Zoning District to allow up to 22 single-family detached residences on a 17.98 gross acre site.

DROP

3. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please come to the podium at this time.

- a. **CP05-067**. Conditional Use Permit to allow post-secondary school uses in an existing industrial park building on a 4.94 gross acres site in the IP Industrial Park Zoning District, located at/on Southeast corner of San Ignacio Avenue and Great Oaks Boulevard (50 GREAT OAKS BLVD) (Sobrato Development Companies, Owner). Council District 2. SNI: None. CEQA: Addendum to EIR. Deferred from 2-22-06, 3-8-06, 3-22-06 and 4-12-06.

Staff Recommendation:

Approve a Conditional Use Permit to allow post-secondary school uses in an existing industrial park building as recommended by Staff.

- b. **VACATION OF A PORTION OF A PUBLIC STREET**: The vacation of McKinley Avenue, between St. Elizabeth Drive and Meridian Avenue. (Pinn Brothers Properties, Owner/Developer). Council District 6. CEQA: Negative Declaration.

Staff Recommendation:

Approve the vacation of McKinley Avenue, between St. Elizabeth Drive and Meridian Avenue as recommended by Staff.

- c. **STREET VACATION**. The vacation of the easterly portion of the right-of-way on North Ninth Street between Taylor and Jackson streets. Council District 3. CEQA: Exempt.

Staff Recommendation:

Approve the vacation of the easterly portion of the right-of-way on North Ninth Street between Taylor and Jackson streets as recommended by Staff.

- d. **PDC03-099**. Planned Development Rezoning from HI Heavy Industrial Zoning District to A(PD) Planned Development Zoning District to allow private school uses (Challenger School) at a former public school facility on a 7.23 gross acre site, located on the north side of East Gish Road approximately 300 feet westerly of Oakland Road (711 E GISH RD) (Emerald Isle, Llc, Owner). Council District 4. SNI: None. CEQA: Mitigated Negative Declaration.

Staff Recommendation:

Consider the Mitigated Negative Declaration and find it in compliance with CEQA. Recommend to the City Council approval of a Planned Development Rezoning from HI Heavy Industrial Zoning District to A(PD) Planned Development Zoning District to allow private school uses at a former public school facility as recommended by Staff.

- e. [C05-107](#). Conventional Rezoning from R-1-5 Residential District to the CO Commercial Office Zoning District on 0.23 gross acre site, located on the east side of Saratoga Avenue, approximately 90 feet southerly of Colombo Drive (1354 Saratoga Ave). (PLATO. C, LLC, Owner). Council District 1. SNI: None. CEQA: Exempt.

Staff Recommendation:

Recommend to the City Council approval of a Conventional Rezoning from R-1-5 Residential District to the CO Commercial Office Zoning District as recommended by Staff.

- f. [PDC05-063](#). Planned Development Rezoning from R-1-8 Residential District to A(PD) Planned Development District to allow up to 23 single-family detached residences on a 1.8 gross acre site, located at the northwest corner of Lucretia Avenue and Phelan Avenue (1785 Lucretia Avenue) (Phi Truong & Hung Cao Trieu, Owners; Myha Trieu, Lucretia Development LLC, Developer). Council District 7. SNI: Tully/Senter. CEQA: Mitigated Negative Declaration. Deferred from 4-12-06.

Staff Recommendation:

Consider the Mitigated Negative Declaration and find it in compliance with CEQA. Recommend to the City Council approval of Planned Development Rezoning from R-1-8 Residential District to A(PD) Planned Development District to allow up to 23 single-family detached residences as recommended by Staff.

The following items are considered individually.

4. PUBLIC HEARINGS

- a. [An Ordinance amending Title 20](#) of the San Jose Municipal Code, the zoning code, to allow additions to non-residential buildings of up to 5,000 square feet with a permit adjustment; to streamline permitting of temporary and stand-by generators in non-residential districts; and to create a permitting process for wineries and breweries in commercial districts. CEQA: Exempt, PP06-049.

Staff Recommendation:

Recommend to the City Council approval of a proposed ordinance amending Title 20 of the San Jose Municipal Code as recommended by Staff.

- b. [PDC05-105](#). Planned Development Rezoning from HI Heavy Industrial Zoning District to A(PD) Planned Development Zoning District to allow up to 34 single-family detached residences on a 4.08 gross acre site, located on the south side of Rock Avenue, approximately 800 feet westerly of Old Oakland Road (Taylor Woodrow Homes, Applicant; Scoffone Aldo J Trustee & Et Al, Owner). Council District 4. SNI: None. CEQA: Mitigated Negative Declaration.

Staff Recommendation:

Consider the Mitigated Negative Declaration and find it in compliance with CEQA. Recommend to the City Council approval of Planned Development Rezoning from HI Heavy Industrial Zoning District to A(PD) Planned Development Zoning District to allow upto 34 single-family detached residences as recommended by Staff.

- c. [CPA04-099-01](#). Conditional Use Permit Amendment to allow modifications to a previously approved building proposed for personal service uses on a 0.26 gross acre site in the CP - Pedestrian Commercial Zoning District, located on east side of Lincoln Avenue, approximately 300 feet north of Broadway Street. (1030 LINCOLN AVE) (Maciel Gloria, Owner). Council District 6. SNI: None. CEQA: Exempt. Deferred from 3-22-06 and 4-12-06.

Staff Recommendation:

Approve the Conditional Use Permit Amendment to allow modifications to a previously approved building proposed for personal service uses as recommended by Staff.

- d. [CP06-008](#). Conditional Use Permit to allow the off-sale of alcoholic beverages on a 0.25 gross acre site in the CN Commercial Neighborhood Zoning District located on the southwest corner of Lindaire Avenue and Bascom Avenue (975 S BASCOM AVE) (Piazza Family LTD Partnership, Owner/Applicant). Council District 6. SNI: None. CEQA: Exempt.

Staff Recommendation:

Deny a Conditional Use Permit to allow the off-sale of alcoholic beverages on a 0.25 gross acre site in the CN Commercial Neighborhood Zoning District as recommended by Staff.

- e. The projects being considered are located within an existing commercial building located on the west side of Lincoln Avenue, approximately 300 feet southerly of Willow Street (1133 Lincoln Avenue) (Schiro, Shirlee D Trustee & Et Al, Owner; Terra Nova Indust. Bob Taylor, Developer). Council District 6. SNI: None. CEQA: Exempt.

1. [CP05-068](#). Conditional Use Permit to allow the off-sale of alcohol (spirits, wine and beer) for off-site consumption and for a public drinking establishment (wine and beer tasting) with off-site parking arrangements; and

Staff Recommendation:

Deny a Conditional Use Permit to allow the off-sale of alcohol for off-site consumption and for a public drinking establishment with off-site parking arrangements as recommended by Staff.

2. [ABC06-004](#). Liquor License Exception Permit to allow the off-sale (off-site consumption) of alcohol.

Staff Recommendation:

Deny a Liquor License Exception Permit to allow the off-sale of alcohol as recommended by Staff.

- f. The projects being considered are located on the South side of Fleming Avenue, approximately 1,032 feet southeast of Alum Rock Avenue (139 and 145 FLEMING AV) (San Jose The Lord's Baptist Church and Parmar Inderjit S And Kathy L, Owners) Council District 5. SNI: None. CEQA: Mitigated Negative Declaration. Deferred from 12-07-05, 1-11-06 and 4-12-06.
1. [PDC05-061](#). Planned Development Rezoning from Unincorporated County to the A(PD) Planned Development District to allow 18 single-family detached residences on a 2.66 gross acres site.

Staff Recommendation:

Consider the Mitigated Negative Declaration and find it in compliance with CEQA. Recommend to the City Council approval of Planned Development Rezoning from Unincorporated County to the A(PD) Planned Development District to allow 18 single-family detached residences as recommended by Staff.

2. [C05-079](#). STAFF INITIATED Rezoning from County to R-1-5 Residence Zoning District to allow single-family detached residential use on a 0.22 gross acre site.

Staff Recommendation:

Consider the Mitigated Negative Declaration and find it in compliance with CEQA. Recommend to the City Council approval of a STAFF INITIATED Rezoning from County to R-1-5 Residence Zoning District to allow single-family detached residential use as recommended by Staff.

5. PETITIONS AND COMMUNICATIONS

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:
1. Responding to statements made or questions posed by members of the public; or
 2. Requesting staff to report back on a matter at a subsequent meeting; or
 3. Directing staff to place the item on a future agenda.

6. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES

7. GOOD AND WELFARE

- a. Report from City Council
- b. Commissioners' reports from Committees:
 - Norman Y. Mineta San Jose International Airport Noise Advisory Committee (Vacant).
 - Coyote Valley Specific Plan (Platten)
 - Evergreen East Hills Vision Strategy Task Force (Levy)
- c. Review of synopsis
- d. Appoint Commissioner to the Norman Y. Mineta San Jose International Airport Noise Advisory Committee
- e. Appoint Commissioner to represent Planning Commission at City Council hearing on reconciliation of the Park Trust Fund on May 2, 2006 at 7:00 p.m.
- f. Add joint study session to the Planning Commission Meeting Schedule with the Parks Commission on May 24, 2006 from 5:00 to 6:15 p.m.

8. ADJOURNMENT

2006 PLANNING COMMISSION MEETING SCHEDULE

Date	Time	Type of Meeting	Location
January 11	6:30 p.m.	Regular Meeting	Council Chambers
January 25	6:30 p.m.	Regular Meeting	Council Chambers
February 8	CANCELLED	Regular Meeting	Council Chambers
Thurs. February 16	6:30 p.m.	Regular Meeting	Council Chambers
February 22	6:30 p.m.	Regular Meeting	Council Chambers
March 8	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
March 22	5:00-6:20 p.m.	<i>Study Session</i>	T-332
Discussion of additional parkland and open space for the City (<i>Joint session with Parks Commission</i>)			
March 22	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
April 12	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
April 26	6:30 p.m.	Regular Meeting	Council Chambers
May 3	5:00 p.m.	<i>Study Session</i>	T-1654
		Review CIP	
May 3	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
May 24	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
May 31	6:30 p.m.	Regular Meeting	Council Chambers
June 5	6:30 p.m.	Regular Meeting	Council Chambers
June 14	6:30 p.m.	Regular Meeting	Council Chambers
June 28	6:30 p.m.	Regular Meeting	Council Chambers
July 12	6:30 p.m.	Regular Meeting	Council Chambers
July 26	6:30 p.m.	Regular Meeting	Council Chambers
August 9	6:30 p.m.	Regular Meeting	Council Chambers
August 23	6:30 p.m.	Regular Meeting	Council Chambers
September 13	6:30 p.m.	Regular Meeting	Council Chambers
September 27	6:30 p.m.	Regular Meeting	Council Chambers
October 11	6:30 p.m.	Regular Meeting	Council Chambers
October 25	6:30 p.m.	Regular Meeting	Council Chambers
November 8	6:30 p.m.	Regular Meeting	Council Chambers
November 15	6:30 p.m.	Regular Meeting	Council Chambers
December 6	6:30 p.m.	Regular Meeting	Council Chambers